



**MINUTES OF SPECIAL JOINT MEETING OF  
THE CITY COUNCIL/REDEVELOPMENT  
AGENCY OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, July 3, 2001, 8:00 p.m.**

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**MEETING**

The Special Joint Meeting of the City Council/Redevelopment Agency was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Dowling.

**ROLL CALL**

Present: COUNCIL/RA MEMBERS Jimenez, Hilson,  
Rodriguez, Ward, Dowling, Henson  
MAYOR/Chair Cooper  
Absent: None

**PRESENTATION: Business Recognition Award**

The City of Hayward Business Recognition Award for July 2001 was presented to Ultrasil Corporation, for high-technology manufacturing in Hayward. Silicone wafers are found at the heart of virtually every electronic device in use today. Ultrasil is a global leader in the preparation of silicon wafers for cutting-edge high-technology applications. Ultrasil began operating in Hayward in 1982. Ultrasil provides services to clients throughout the United States, Canada, Europe and Asia including researchers at major universities. They employ approximately 25 people at their facility on Breakwater Avenue. Ultrasil is also on the cutting edge of a new technology that may revolutionize electronic devices. They are developing Silicone-on-Insulator, or SOI, technology that will make portable electronic devices smaller and more efficient. Accepting the award was John Dancovich, President and CEO of Ultrasil Corporation.

**PUBLIC COMMENTS**

Jason Moreno commented on an adult school course.

Robert Lopez commented on issues of the downtown.

Jim Drake commented on the proposed power plant and suggested a discount to residents.

Lawrence Ferguson reported on a neighborhood project which completed the installed sod at Glassbrook School.

Barbara Heringer-Swarr spoke on the special assessment district.

## CONSENT

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of June 26, 2001

It was moved by Council/RA Member Hilson, seconded by Council/RA Member Jimenez, and unanimously carried to approve the minutes of the Special Joint City Council/Redevelopment Agency meeting of June 26, 2001

2. Authorization for City Manager to Execute Amendments to the Inter-Agency Agreement to Implement the Alameda Countywide Clean Water Program

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated July 3, 2001, was filed.

It was moved by Council Member Hilson, seconded by Council Member Jimenez, and unanimously carried to introduce and adopt the following:

Resolution 01-102, "Resolution Authorizing the City Manager to Execute Amendments to the Inter-Agency Agreement to Implement the Alameda Countywide Clean Water Program"

## HEARINGS

3. Text Change Application 01-140-03 - Initiated by the Planning Director - Request for an Amendment to Zoning Ordinance to Limit Window Coverage in Connection with Retail Establishments

Staff report submitted by Planning Manager Anderly, dated July 3, 2001, was filed.

Planning Manager Anderly made the report related to transparent windows and responded to questions from the Council. Council Member Jimenez asked if other jurisdictions have similar ordinances. Staff was not familiar with one. He asked that additional public meetings be held to inform businesses and that this item be continued until that time. She noted that small business owners who came to the Chamber meeting on this topic were from the downtown and, without exception, supported the ordinance.

Council Member Ward asked if small business owners would be able to display signs, if they covered over or painted their windows. He was told that they would since this does not affect the sign ordinance.

In response to a question from Council Member Dowling, Planning Manager Anderly responded that there would be time since staff would have to notify all of the business owners before enforcement. She commented that stores could have window displays.



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Council Member Henson asked about the exceptions. He suggested that the language be clarified regarding what may and may not be done. He noted that it is a critical issue for owners to find storage and asked for language that would be more specific and clarify what the City prefers.

Planning Manager Anderly noted that this ordinance is directed towards those displays showing into the store rather than those aimed towards the streets that invite customers into the store.

Council Member Hilson said he was not satisfied with the language addressing "exceptions." He felt that a definition should be included so it is not so subjective.

City Manager Armas stated that staff has recommended the ordinance return after a six-month review and trial period. At that time, exceptions and modifications could be addressed.

Council Member Rodriquez expressed her concern that this proposal was only brought to a committee of the Chamber of Commerce and was not brought to the Council's two Committees. She said she values the opinions of the Chamber. She commented that the City should have held public meetings as well. She thought that a six-month review might be a good idea.

Council Member Jimenez commented that additional hearings should be held and a communications campaign should be in place before the ordinance is passed.

City Manager Armas said it is important to put this in context and be mindful of the fact that many businesses have disregarded regulations. He noted that often the Community Preservation staff has been criticized for not working more diligently to make retail establishments more attractive. This is another resource to encourage business owners to bring their retail establishments to a more contemporary standard.

Mayor Cooper opened the public hearing at 8:57 p.m.

Jorge Gonzalez acknowledged his business. He expressed concern that there should be more focus on the streets and other things to bring more people into the City. He noted that if he would have to move his merchandise, it would be costly since he has no storage or other space.

Jason Moreno objected to the language and the exemptions. This law is too subjective. He spoke against the Chamber of Commerce as well.

Jim Drake said he approved of the concept since many of these places look trashy and are in a trashy location. He objected to allowing only the Planning Director to have full discretion in enforcing this ordinance. He suggested a committee should decide.

Barbara Swarr suggested considering more light in buildings. She thought a dark vinyl so that the light comes through should be considered. She asked what merchants who have a lot of windows and too much stock should do.

Robert Lopez felt that there might be other alternatives for staff to explore. He thought perhaps planters or trees might allow the merchants to hide the problem. He suggested lessons in merchandising.

Council Member Henson noted that the Retail Assistance Program had been available to the merchants involving marketing. He would like to see that program return to assist small businesses.

City Manager Armas described the program that was funded for several years. He commented that although some merchants took advantage of it, many asked the City not to interfere.

Mayor Cooper closed the public hearing at 9:08 p.m.

Mayor Cooper commented that merchants were faced with some problems, some business owners do not know how to merchandize. Many owners have too small a building. Many times the merchandise is faded and the display is frayed. Stores need to be interesting to attract customers. She commented that there are some realities that are difficult to face. It may be better to have more frequent deliveries rather than stack merchandise in front of windows. Customers have access to what is available. There may be issues that Council will need to work out. She felt that there are some 'vague' areas in the proposal.

Council Member Jimenez moved that a hearing be held before the Downtown Committee of the City Council prior to passage of the ordinance. Council Member Rodriquez seconded the motion.

Council Member Hilson offered a substitute motion, seconded by Council Member Dowling, to approve the findings and introduce the ordinance without exceptions and that staff bring back to Council Downtown and Shopping Center Committees, any items for any revisions.

Council Member Dowling commented that the buildings were built with windows for a reason. He suggested bringing back a marketing person to help retailers learn how to merchandize with windows. He said he would like to see the ordinance implemented and then brought back with any questions and exceptions.

Council Member Ward said he would not support a motion that would eliminate any exception since each business is different. He thought bringing it back in six-months would be unnecessary.

Council Member Rodriquez said she could support this motion since this ordinance would come back to the Council committees.



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City Manager Armas said the City would take those six months to educate the merchants before the implementation of the ordinance. He commented to Council Member Henson that this would provide the opportunity to bring back any exceptions and revisions that might need to be made.

Council Member Jimenez said the Council should hold another public hearing before they act.

Council Member Ward asked the City Attorney how the ordinance would be enforced. He was told the merchant would be given information and allowed to make any changes. He suggested Council put a six-month implementation on the ordinance. He suggested that resources be identified which could be made available to merchants in order to provide the assistance that they might need in order to comply with the ordinance. He also suggested that staff bring back a proposal for spending money in the downtown area on aiding the merchants to allow them to comply with the ordinance.

It was moved by Council Member Hilson, seconded by Council Member Dowling, and carried to introduce the following ordinance with:

Ordinance 01-\_\_, "An Ordinance Adding Various Subsection to Chapter 10, Article 1 of the Hayward Municipal Code Relating to Window Coverage for Retail Commercial Establishments:

AYES: Council Members Jimenez, Hilson, Rodriquez,  
Dowling, Henson  
MAYOR Cooper  
NOES: Council Member Ward  
ABSENT: None  
ABSTAINED: None

**LEGISLATIVE BUSINESS**

4. Authorization for the City Manager to Respond to the East Bay Municipal Utilities District Regarding the Draft Environmental Impact Report for the Bayside Groundwater Project

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated July 3, 2001, was filed.

Public Works Director Butler made the staff report and noted staff concerns. He asked for authorization to allow the City to notify EBMUD related to these concerns. The first is that EBMUD will lower the ground level and reduce the City's capacity during emergencies. He noted another concern as to what would happen when they inject water back into the system.

Council Member Hilson commented about EBMUD's use that would impact the City's aquifers. He asked what the implications and attempts to mitigate the use of the water would be.

Public Works Director Butler said the only way to get the supply back would be to drill more wells to maintain the current supply. He commented that further information is needed before water injection is applied. He said staff is supplying EBMUD all of the data accumulated regarding the drilling of the wells to assist them in their analysis. He commented that their location would impact the City adversely.

Council Member Ward asked about the Mohrland Water Company in the unincorporated County island. He was told that the City's wells are deeper than the Mohrland Company wells. He expressed concern that there might be a number of concerns missed by the EBMUD environmental consultants.

Council Member Henson asked whether major impacts could be mitigated. He was told staff would need to make an independent judgement to protect the City's interest based on the actions of EBMUD.

Mayor Cooper opened the public hearing at 9:57 p.m.

Mark Williamson, Manager of Water Supply Improvements, East Bay Municipal Utility District, said they have been actively studying the aquifer, and injecting and extracting millions of gallons of water to measure the effect. He noted that they have a great deal of information from City staff. He said they were just recently given a copy of the consultant's report. He commented on this report, noting that they will respond to all of the City's concerns. He responded to questions from Council Members.

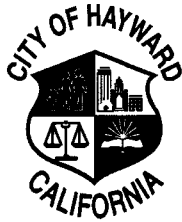
Mayor Cooper closed the public hearing at 10: 23 p.m.

It was moved by Council Member Rodriquez, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 01-104, "Authorizing City Manager to Respond to East Bay Municipal Utilities District Regarding the Draft Environmental Impact Report for the Bayside Groundwater Project"

## **COUNCIL REPORTS**

There were no Council Reports.



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**ADJOURNMENT**

Mayor Cooper adjourned at 10:31 p.m.

**APPROVED:**

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Roberta Cooper, Mayor, City of Hayward  
Chair, Redevelopment Agency

**ATTEST:**

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Angelina Reyes, City Clerk, City of Hayward  
Secretary, Redevelopment Agency